THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 8404 of 2005

11-12-2006

Between:-

Molugu Umma Reddy and two others.

Petitioners

And

The Joint Collector,
Ranga Reddy district,
Hyderabad and thirteen others.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No.8404 of 2005

Oral order:

Heard Sri Vilas V. Afzulpurkar, learned senior counsel for the petitioners; the learned Government Pleader for respondent Nos. 1 and 2; Sri B. Adinarayana Rao for respondent No.6 and Sri B. Mahender Reddy for respondent No.3.

Certiorari is sought against the order of the first respondent bearing reference No.D.5/1278/2001 dated 24-07-2004 which order in purported exercise of the *suo motu* jurisdiction under Section 9 of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act') declined to interfere with "**the report of the Mandal Revenue Officer, Keesara dated 09-02-2001 and 30-03-2001**".

The second respondent by a letter dated 09-02-2001 addressed the District Collector, Ranga Reddy stating that as per the pahani for the year 1997-98 the land in survey No. 220 in an extent of Ac.11-03 in Kapra village was "alienated in favour of the Director of Industries", but the pahani for the subsequent year i.e., 1998-99 shows the land as

belonging to Smt. Shyamala wife of Ram Reddy and three others; and that the changes in the pahani were made in view of the orders (M.R.O.) in File No. B/3971/1998 dated 14-10-1998. The report of the second respondent dated 09-02-2001 further stated that a perusal of the M.R.O. records disclose that file No. 3971/98 pertains to one Sri M.K. Agarwal of Kapra village in respect of survey Nos. 669 and 670 and is not in respect of survey No.220. The Mandal Revenue Officer accordingly petitioned the District Collector to cancel the orders issued by the M.R.O. in the proceedings in File No. B/3971/98 dated 14-10-1998 and to incorporate the name of the Director of Industries in the pahani of Kapra village for the year 1998-99 onwards, insofar as survey No.220 is concerned. After the first respondent took up the representation of the M.R.O. (as a *suo motu* revision under Section 9 of the Act), the second respondent submitted a further report on 30-03-2001 wherein he stated that on verification of the pahanies for the years 1997-98 and 1998-99, alterations were found in the pahanies of the Kapra village from 1998-99 onwards in respect of lands in survey Nos. 216 to 219, 221/1, 227 to 229 in a total extent of Ac.78-18 and requesting that the name of the Director of Industries be recorded in the pahani for the year 1998-99 onwards.

Considering the above two representations of the second respondent, the first respondent recorded (in the impugned order) that in view of the developments, (which were considered in detail in the judgment of this Court in W.P.No. 22310 of 2003 dated 16-11-2006) including the orders of the Government in G.O.Ms.No.375 Industries and Commerce (INF) Department dated 07-09-2002 (for short 'the G.O.'), the issuance of pattedar pass books and title deeds in favour of M. Ram Reddy and his sons and the reflection of their names in the pahani for the year 1998-99 in respect of survey No.220 is in order and

requires no revision. The first respondent accordingly declined to revise the records as requested by the second respondent in his reports dated 09-02-2001 and 30-03-2001.

The petitioners' substantive claim is that they are entitled to a share in the land in an extent of Ac.19-34 gts of Kapra village, consequent on the withdrawal from acquisition by the State (of these lands) vide the G.O. On the premise of such a claim, the petitioners are aggrieved by the orders of the Mandal Revenue Officer dated 14-10-1998 recording the names of Papi Reddy and others in the pahani and pattedar pass books in respect of the land in survey No.220 of Kapra village. The purport and legal import of the orders of the Government in G.O. has been declared and pronounced upon by this court in the judgement in W.P.No.22310 of 2003, dated 16-11-2006. That aspect of the matter need not be revisited in this writ petition.

The petitioners do not impeach the order of the Mandal Revenue Officer dated 14-10-1998 whereunder the names of Papi Reddy and others are stated to have been recorded in the pahani; the pattedar pass books or other documents, under the provisions of the Act. Their challenge is to the order of the first respondent dated 24-07-2004 rejecting some proposals made by the second respondent for alterations of the revenue records in exercise of *suo motu* jurisdiction under Section 9 of the Act. The first respondent's order is not *per se* or *sui generis,* an order qua which the petitioners are affected. In any event, in respect of the substantive claim that the petitioners urge in this writ petition viz., for a share in the lands in an extent of Ac.19-34 gts in survey No.220 and 221 of Kapra village, the petitioners have a remedy before the civil court of competent jurisdiction and Section 8 (2) of the Act reiterates the availability of such remedy; the provisions of Section 8(2) of the Act verify the statutory position that the provisions

of the Act are not a bar to the exercise of declaratory jurisdiction by the competent civil court.

In the circumstances, there are no merits in this writ petition. The writ petition is accordingly dismissed. The petitioners are at liberty to pursue appropriate remedies as available in law. No costs.

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GODA RAGHURAM, J

Dated:11-12-2006
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